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Letter dated 15 May 1997 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 13 May 1997, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

ANNEX

Letter dated 13 May 1997 from Mr. Osman Ertuğ addressed to the Secretary-General

I have the honour to refer to the letter dated 9 May 1997 addressed to you by the Greek Cypriot representative at the United Nations, which was circulated as document A/51/895-S/1997/364 dated 12 May 1997.

At the outset, I wish to stress that the depiction as "invasion" or "occupation" of the fully legal and justified intervention by Turkey in 1974, which was necessitated by the preceding coup d'état staged by Greece in order to annex Cyprus, is pure distortion aimed at misleading world public opinion. As for the issue of the legality of the two independent political entities or States currently existing on the island, I wish to point out that the Turkish Republic of Northern Cyprus derives is legitimacy from the free and democratic will of the Turkish Cypriot people who, in the special circumstances of Cyprus, are no less entitled to the right of self-determination than the Greek Cypriot people. It is rather the Greek Cypriot side's claim to be the Government of the whole island in total disregard of the relevant 1960 agreements that has no basis in law or in fact.

As regards the sale of immovable property in the north, this is totally within the authority and jurisdiction of the Turkish Republic of Northern Cyprus in accordance with the relevant legislation currently in force within the Republic. It should also be pointed out that the Greek Cypriot administration, which is guilty of confiscating Turkish Cypriot properties and driving the Turkish Cypriot population into 3 per cent of the island's territory between 1963-1974, is currently allowing the use, development and even transfer of Turkish Cypriot properties in the south.

Indeed, the Greek Cypriot administration has, over the years, enacted legislation concerning the utilization of Turkish Cypriot immovable properties (law No. 139/1991). In effect, the Greek Cypriot administration has issued ownership certificates to Greek Cypriot citizens for houses built on Turkish Cypriot property in the south.

A recent example of the utilization of Turkish Cypriot immovable property in the south involves 50 donums (approximately 12.5 acres) in the vicinity of Mormenekse (Dromolatsia) village that had been earmarked as the site of a sports complex. According to the Greek Cypriot press (Haravgi dated 22 March 1997) it was later allocated to a Greek Cypriot politician by the Greek Cypriot Interior Ministry, causing a public uproar and calls for "transparency" in respect of Turkish Cypriot properties in the south.

Meanwhile, in spite of the Greek Cypriot side's efforts to maintain a secrecy over the issue for obvious political reasons, reports have surfaced regarding the imminent issuance of as many as 4,000 title deeds to Greek Cypriots. The Greek Cypriot daily Fileleftheros of the same date has reported that "one of the biggest problems in this regard is the requisition of the property on which houses are built ... because nearly half of the property on

which houses have been built belongs to Turkish Cypriots who can later demand compensation".

The issue of abandoned property is common to both communities. The Turkish Cypriot community has left a comparable amount of immovable property in the south as the Greek Cypriot community has left in the north. This is a subject to be taken up and finalized between the two sides at the intercommunal talks within the framework of a bi-communal, bi-zonal federal settlement. As you are well aware, the parameters within which reciprocal property claims by both sides can be settled are outlined in the United Nations set of ideas of 1992, which envisages a global solution to this issue through property exchange and/or compensation. This is a natural consequence of the population exchange agreement reached between the two sides at Vienna on 2 August 1975, which was implemented under United Nations supervision in September 1975, paving the way for a bi-zonal, federal settlement.

The exploitation of this issue by the Greek Cypriot side for propaganda purposes is clearly aimed at prejudicing a bi-zonal settlement, which has been universally accepted as a fair and realistic solution. Its attempt, on the other hand, to drag Turkey into this matter, by citing a short-sighted, politically inclined court decision, has similar ulterior motives. It should be borne in mind that Turkey's role in Cyprus is limited to providing security guarantees to the Turkish Cypriots and preventing the repetition of Greek Cypriot aggression against them.

It is unfortunate that particularly at a time when efforts are being made to resume the direct talks, stalled since 1994 as a result of Mr. Clerides' refusal to sit at the negotiating table, the Greek Cypriot side should resort to such harmful propaganda in order to mislead the world about the Cyprus question in general as well as on the specific, complex issues surrounding it. This can only be interpreted as another demonstration of the other side's insincerity about a bi-communal, bi-zonal federal settlement and its continuing unwillingness to engage in serious negotiations to that end.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus